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PERMIT

Permittee: Billy G. Taylor, P.E.
Town of East Hartford
740 Main Street
East Hartford, Ct 06108

Permit Nos.: DS-200900926, WQC-200900927
Permit Type: Section 401 Water Quality Certification
Dam Safety Permit

CT Dam Inv. No.: 4313
Hazard Classification: "C" – High Hazard Potential
USACOE No.: NAE-20081144
Town: East Hartford
Project: Maintenance activities for the East Hartford Flood Control System

Pursuant to Section 22a-403 of the Connecticut General Statutes, the Town of East Hartford ("permittee") is hereby permitted to conduct activities at the East Hartford Flood Control System ("the site") on the Connecticut and Hockanum Rivers in East Hartford, CT, and pursuant to Section 401 of the Federal Clean Water Act (33 USC 1341) Water Quality Certification is hereby issued for activities, including but not limited to the construction or operation of facilities, which may result in any discharge into the waters of the state in accordance with the applications referenced above and filed with this Department on March 27, 2009 and described herein. The purpose of said activities to conduct maintenance activities in order to maintain the integrity of the flood control system.

Authorized Activity

Specifically, the permittee is authorized to repair the dam in accordance with said applications and plans which are part thereof entitled: East Hartford Flood Control System, dated March 17, 2009, revised through September 11, 2009, scale 1" to 160' prepared by GEI Consultants, Inc. (the "plans"). Approximately 3.94 acres of wetlands will be affected by the activities.

Said discharge(s) of material will comply with the applicable provisions of Section 301, 302, 303, 306 and 307 of the Federal Clean Water Act and will not violate Connecticut's Water Quality Standards.

This permit is subject to and does not derogate any present or future property rights or other rights and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity hereby. This authorization is subject to the following conditions:

PERMITTEE'S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS

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PERMIT MAY SUBJECT PERMITTEE AND PERMITTEE'S CONTRACTOR(S) TO ENFORCEMENT ACTIONS AND PENALTIES AS PROVIDED BY LAW

Special Conditions

1. The Town of East Hartford shall submit the following items identified in specifications entitled "East Hartford CT Flood Control System, FEMA Accreditation Repair Project, East Hartford, CT, Technical Specifications" dated September 2009 to the Department of Environmental Protection (DEP) for their review and approval prior to the start of the installation of the soil-bentonite cutoff wall:
 - a. Resumes and evidence of qualifications of the "cutoff wall specialist" and the "trench logger".
 - b. The soil-bentonite cutoff work plan including a description of the proposed equipment and methods of construction. The plan needs to provide the limits of horizontal and vertical disruption at the levee. This plan should also list the proposed optimal and maximum amount of levee disturbance that will occur at any one time.
 - c. The mix design of the bentonite slurry and the soil-bentonite backfill.
 - d. A construction flood contingency operation plan that includes a description of the measures to be undertaken during and after a significant rainfall event. The flood contingency plan must identify contingency actions, procedures and specific time factors for informing persons at the project site at the onset of flooding and for securing the site during floods. The plan should identify the storm event and its data source that will adversely affect construction activities at the project site.
2. No work shall be done along the river edge between December 31 and March 1 to eliminate disturbance to wintering eagles at the site.
3. No vegetation shall be removed from the riverbanks adjacent to yellow lampmussel habitat.
4. There will be no erosion or siltation into the river that could busy yellow lampmussels.
5. No polluted runoff such as chemicals and fertilizers will be discharged into the river as a result of this project.

General Conditions

1. **Initiation and Completion of Construction**
 - A. Permittee shall notify the Commissioner in writing no less than seven (7) days prior to commencement of permitted activities and no less than seven (7) days following completion of permitted activities.

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2. **Expiration of Permit**

- A. If the activities authorized herein are not completed on or before December 31, 2012 or by the expiration date of the permit issued by the U.S. Army Corps of Engineers for this proposal, whichever is sooner, said activity shall cease and, if not previously revoked or specifically extended, this permit shall be null and void.
- B. This permit may be revoked, suspended, or modified in accordance with law, including but not limited to the Regulations of Connecticut State Agencies Section 22a-3a-5(d).

3. **Permit Compliance**

- A. This permit and a copy of the approved plans and specifications shall be kept at the project site and made available to the Commissioner at any time during the construction of permitted activities.
- B. Permitted activities shall be performed under the supervision of an engineer who is licensed to practice in the State of Connecticut and who is familiar with dam construction. Said engineer shall, upon completion of the permitted activities, certify to the Commissioner in writing that the permitted activities have been completed according to the approved plans and specifications.
- C. The permittee may not modify the permitted plans and specifications without the prior written approval of the Commissioner.
- D. Within thirty (30) days of completion of the permitted activities, permittee shall submit to the Commissioner record drawings depicting the dam construction as completed, including any deviations from the approved plans and specifications. Said drawings shall be prepared and sealed by the engineer who oversaw the construction.

4. **Fishway Requirements**

The Commissioner has determined, in accordance with Section 26-136 of the General Statutes that a fishway is not required at this dam to protect fisheries resources by providing access to natural spawning or nursery areas.

5. **Best Management Practices**

In constructing the activities authorized herein, the permittee shall use construction methods that minimize sedimentation and erosion and prevent pollution. Such practices include but are

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not necessarily limited to the following:

- A. All authorized activities shall be performed in such a manner as to minimize resuspension of sediments and subsequent siltation, and to prevent construction materials and debris from entering wetlands or watercourses.
- B. No construction vehicles shall be stored, serviced, washed or flushed out in a location where leaks, spillage, waste materials, cleaners or waters will be introduced or flow into wetlands or watercourses.
- C. Haybales, mulch, sedimentation basins or other temporary sedimentation controls, including silt fences, shall be used as necessary to control erosion and sedimentation.
- D. Except as provided in this permit, no material storage or stockpiling of construction materials shall occur in any wetlands or watercourses.
- E. Fill, without limitation, or construction debris, shall not be placed in wetlands or watercourses unless authorized by this permit.

6. **Certification of Documents**

Any document, including but not limited to any notice, which is required to be submitted to the Commissioner pursuant to this permit shall be signed by the permittee, a responsible corporate officer of the permittee, or a duly authorized representative of such person, as those terms are defined in Section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate, and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense".

7. **Submission of Documents**

Any document required to be submitted to the Commissioner pursuant to this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

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Mr. Arthur P. Christian II, Supervising Civil Engineer
Department of Environmental Protection
Bureau of Water Protection and Land Reuse
Inland Water Resources Division
79 Elm Street, Third Floor
Hartford, Connecticut 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means one calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed before the next day which is not a Saturday, Sunday or a Connecticut or federal holiday.

Dam Owner/Operator Liability

Your attention is further directed to Section 22a-406 of the General Statutes: "Nothing in this chapter and no order, approval or advice of the Commissioner, shall relieve any owner or operator of {a dam} from his legal duties, obligations and liabilities resulting from such ownership or operation. No action for damages sustained through the partial failure of any structure or its maintenance shall be brought or maintained against the state, the Commissioner of Environmental Protection, or his employees or agents."

This authorization constitutes the permit required by Section 22a-403 of the Connecticut General Statutes.

Issued by the Commissioner of Environmental Protection on:

Amey W. Marrella
Commissioner